

REMARKS

Upon entry of the amendments herein, claims 1-9 and 12-26 are pending in the application. However, claims 2-5, 7, 8, 12-17, 19 and 21-26 presently remain withdrawn due to a restriction requirement and only claims 1, 6, 9, 18-20 are currently being considered by the Examiner. It is anticipated that, upon determination of allowable subject matter, at least some of the withdrawn subject matter will be rejoined to that presently being considered

Of the claims presently being considered, claim 1 has been amended. Although claims 2-5, 12 and 13 stand among the claims that presently remain withdrawn, they have also been amended herein in the interest of more clearly and particularly reciting the subject matter regarded as the invention. No new matter has been introduced by any of the amendments herein.

The Examiner has withdrawn the previous prior art rejection in view of Applicants' last response. However, the Examiner has expanded the search and cited some new prior art references against the claimed subject matter now under consideration.

In the first place, it is unclear to Applicants precisely what is the scope of subject matter that the Examiner acknowledges to be allowable and how the search has been extended.

For example, the Examiner refers to an allowable group of compounds wherein X is CH₂ and later on, in still describing the same allowable group of compounds, states that "Z is H and/or non-heterocyclic" and that "X is only C(Z)₂ or CONR₇." In any event, Applicants address below the several anticipation rejections leveled by the Examiner.

Applicants disagree with the Examiner's assessment that the Landvatter reference anticipates the instantly claimed subject matter. The disclosed Landvatter compound, 2-(2-hydroxyethyl)-propanedioic-2-¹⁴C acid, is not encompassed by the instantly claimed genus. For the Landvatter compound, the substituents corresponding to those designated in the instantly claimed genus are as follows: R₂ is H, R₃ is CO₂H, Y is a single bond, R₄ is CO₂H, X is CH₂ and R₁ is CH₂OH. However, in instant claim 1, that part of the definition of substituent R₁ that is closest chemically to the corresponding Landvatter substituent is recited as "C₂₋₆ alkyl, substituted with one or more basic groups." The Landvatter compound thus falls outside the scope of instant claim 1.

Claims 1-4 have been amended to recite that the "heterocyclyl comprising at least one nitrogen atom" component of the definition of R₁ is also substituted with one or more basic groups. Support for this amendment can be found in the

passage running from page 11, line 24 through page 12, line 4 and on page 13, lines 6-11 of the specification.

The definition of instant substituent R_1 in claims 1-4 has also been amended herein to more particularly define the nature of the recited basic groups. By this amendment, the rejection of the instant claims in view of the Floyd reference is rendered moot. Support for this amendment can be found on page 10, lines 24 and 25 of the instant specification.

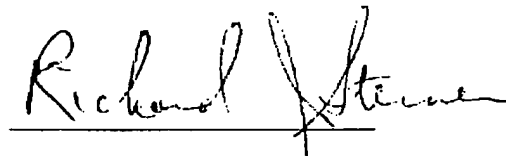
Instant claim 1 has further been amended by addition of a second proviso. By this amendment, the rejections of the instant claims in view of the Lindell, Fini and Gibson references are also rendered moot.

The presently claimed subject matter is patentable over the prior art of record. At such time as a final determination as to the scope of allowable subject matter is made, Applicants will consider whatever amendments may have to be made to eliminate nonelected subject matter.

The Commissioner is hereby authorized to charge any fees
which may be due for any reason to Deposit Account No. 23-1703.

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Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Richard J. Sterner", is written over a horizontal line.

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